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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-75

13 **SUSAN S. THORNTON, AKA SUSAN**
14 **STIFF MILLS, AKA SUSAN LYN STIFF**
15 **5429 Linda Dr.**
16 **Torrance, CA 90505**

A C C U S A T I O N

17 **Registered Nurse License No. 218706**
18 **Public Health Nurse Certificate No. 19813**

Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 2. On or about September 30, 1971, the Board of Registered Nursing ("Board") issued
25 Registered Nurse License Number 218706 to Susan S. Thornton, aka Susan Stiff Mills, aka Susan
26 Lyn Stiff ("Respondent"). The Registered Nurse License was in full force and effect at all times
27 relevant to the charges brought herein and will expire on May 31, 2011, unless renewed. On or
28 about July 12, 1974, the Board issued Public Health Nurse Certificate Number 19813 to
Respondent. The Public Health Nurse certificate was in full force and effect at all times relevant
to the charges brought herein and will expire on May 31, 2011, unless renewed.

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

6. Code section 2762 states, in pertinent part

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

1 (d) Be committed or confined by a court of competent jurisdiction for
2 intemperate use of or addiction to the use of any of the substances described in
3 subdivisions (a) and (b) of this section, in which event the court order of commitment
4 or confinement is prima facie evidence of such commitment or confinement.”

5 **COST RECOVERY**

6 7. Code section 125.3 provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licensee found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Conviction for a Substantially Related Offense)**

12 8. Respondent is subject to discipline under Code section 2761, subdivision (f), on the
13 grounds of being convicted of a criminal offense substantially related to the profession of
14 registered nursing in that she was convicted of two separated charges of driving under the
15 influence as follows:

16 **First Conviction**

17 9. On or about October 6, 2007, a Ventura County Sheriff's Deputy was stopped on
18 Ventura Boulevard when he observed Respondent make a U-Turn at an intersection clearly
19 marked with signs indicating "No U-Turn."

20 10. The deputy initiated a traffic enforcement stop on Respondent's vehicle. When
21 Respondent did not yield to the activation of the patrol lights, the deputy had to use his patrol
22 vehicle's loudspeaker to direct Respondent to pull over. It took several verbal commands for
23 Respondent to finally yield her vehicle to the side of the road.

24 11. Immediately, the deputy observed that Respondent displayed objective signs of
25 alcohol impairment including red watery eyes, slurred speech, and slow reaction time.

26 12. After Respondent failed to adequately complete a series of field sobriety tests, the
27 deputy performed a breath test on Respondent. The Intoxilyzer device reported that Respondent's
28 blood alcohol content was .16/.17%.

13. At the time of driving, Respondent's driving privileges had been suspended.

1 14. On or about October 29, 2007, criminal charges were filed for driving under the
2 influence and driving on a suspended license. The complaint further alleged that Respondent
3 suffered a prior driving under the influence conviction in 1999.

4 15. On November 5, 2007, Respondent entered a plea of guilty to driving under the
5 influence. The same day, the judge placed Respondent on a formal grant of probation for a period
6 of five (5) years. Among the terms of Respondent's probation were that she not consume any
7 alcohol, install an ignition interlock device on her car, serve thirty (30) days in jail, and submit to
8 chemical testing.

9 **Second Conviction.**

10 16. On or about September 3, 2007, a California Highway Patrol Officer was traveling
11 eastbound on Ventura Boulevard when he observed Respondent's vehicle heading straight toward
12 his patrol vehicle. Respondent swerved, missing the patrol vehicle, and then swerved again onto
13 the right shoulder.

14 17. The officer initiated a traffic enforcement stop on Respondent's vehicle and
15 immediately noticed objective signs of alcohol impairment: red watery eyes, thick slurred speech,
16 odor of alcohol, and unsteadiness on her feet.

17 18. After the officer had Respondent perform a series of field sobriety tests, which were
18 ultimately discontinued because of her extreme state of intoxication, he transported Respondent to
19 Ventura County Medical Center for a blood test.

20 19. Blood testing revealed that at the time of driving, Respondent's blood alcohol level
21 was .28%.

22 20. On or about December 12, 2007, criminal charges were filed against Respondent.

23 21. On or about January 31, 2008, Respondent entered a plea of guilty to driving with a
24 blood alcohol level at .08% or above, admitted to having suffered a prior conviction for driving
25 under the influence, and admitted that her blood alcohol level was at .15% or above at the time of
26 driving.

27 ///

22. On the same date, at time of sentencing, the judge placed Respondent on a grant of conditional revocable release for a period of 5 years. Among the terms of Respondent's probation were that she not consume any alcohol, install an ignition interlock device on her car, serve thirty (30) days in jail, and submit to chemical testing.

SECOND CAUSE FOR DISCIPLINE

(Excessive Use of Alcohol)

23. Respondent is subject to discipline under Code section 2762, subdivision (b), on the grounds of excessive use of alcohol. Respondent committed acts constituting the excessive use of alcohol, as more particularly set forth in paragraphs 8 through 22, above.

THIRD CAUSE FOR DISCIPLINE

(Confinement by Court for Alcohol Related Offense)

24. Respondent is subject to discipline under Code section 2762, subdivision (d), on the grounds of being confined by court for an offense involving alcohol. Respondent committed acts that resulted in confinement by court for an offense involving alcohol, as more particularly set forth in paragraphs 8 through 22, above.

FOURTH CAUSE FOR DISCIPLINE

(Conviction Involving Consumption of Alcohol)

25. Respondent is subject to discipline under Code section 2762, subdivision (c), on the grounds of being convicted of a criminal offense involving alcohol. Respondent committed acts that resulted in a conviction for a criminal offense involving alcohol, as more particularly set forth in paragraphs 8 through 22, above.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

26. Respondent is subject to discipline under Code section 2761, subdivision (a), on the grounds of unprofessional conduct. Respondent committed acts that amounted to unprofessional conduct, as more particularly set forth in paragraphs 8 through 22, above.

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4. Taking such other and further action as deemed necessary and proper.

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